

**Jury Committee
Judicial Conference of Indiana**

July 18, 2003
Minutes

1. Members present. The following members of the committee were present: Brent Dickson, Michael Peyton, and Ernest Yelton, Chair
2. Staff present. Michelle C. Goodman provided the committee with staff assistance.
3. Guest. Dave Strantz and Todd Gould of Innovative.
4. Jury Orientation Video. The Committee discussed the five page content document for the jury orientation video provided by Innovative with Dave Strantz and Todd Gould. In discussing the content for the video, the Committee decided the focus should be a general roadmap to prepare the jurors for receiving more detailed information as the process progresses.

First, the Committee discussed the section on Welcome and History. The Committee decided that this segment should embrace jurors as a part of the court system with a brief reference to the history of juries without referencing specific historical documents. The Committee also discussed the effect of acknowledging the inconvenience of jury service. The Committee decided that this topic should be discussed in positive terms to help build up jurors. The use of testimonials by former jurors was discussed and the Committee decided this could be a useful way to communicate with potential jurors. The Committee also stressed staying away from “judging another person”. This fear is better expressed in terms of the juror being “fearful that the juror could not make a decision”. The role of the jury is to judge credibility and decide what happened in the case based on the evidence.

Second, the Committee discussed the how much detail should be included regarding jury selection. The Committee determined that the jury selection process should emphasize new efforts to be more inclusive. The Committee also decided not to include information regarding alternate jurors because they are not always used and the judge will be able to discuss this with jurors when necessary. The Committee also wanted to emphasize that the questions asked of potential jurors during jury selection is not meant to pry into their personal life, but are meant to help find fair and impartial jury as required by the Constitution and that this was the only time jurors would be able to communicate directly with the attorneys or the court. The Committee emphasized that excusal of jurors is not personal; it is a situation where a juror may not be good for this trial, but may be good for another trial.

Next, the Committee reviewed the section on trial proceedings. The Committee decided not to include detailed information concerning plaintiff, defendant, attorneys, and witnesses. The discussion may be in more generic terms such as the parties and counsel. The Committee also decided not to include a discussion of the difference between civil and criminal cases because judges will explain the necessary information regarding the type of case later in the process. The Committee created a more general approach to the sequence of events during the trial emphasizing that each party will have an opportunity

to present witnesses and exhibits and to cross examine witnesses; the jury will have an opportunity to review exhibits and submit questions during the trial; opening and closing statements and what the attorneys say during trial is not considered evidence. The Committee generally referred to closing argument and final instructions without referencing a specific order because the Jury Rule permit flexibility in the order of these aspects of the trial. The Committee also included that the judge reads the verdict at the end of the case and excluded references to rebuttal evidence. The Committee also decided to keep references to deliberations more generic while emphasizing that all jurors are equal in this process and that each juror must determine the verdict for himself or herself.

Fourth, the Committee reviewed the section on juror responsibilities. The Committee made some revisions to the fourth and fifth items listed. The fourth item was revised to reflect that jurors should not speak to anyone (attorneys, witness, family) or let anyone speak to them about the facts of the case and the fifth item was revised to reflect that jurors should seek to arrive at a fair and impartial verdict.

Finally, the Committee reviewed the conclusion section and addressed some additional questions posed by Innovative. The Committee felt that the conclusion should emphasize that jury service is one of the most fulfilling experiences a person can undertake. The Committee also felt that an opening by the Chief Justice and the one day one trial rule should also be included in the video.

Innovative will provide the Committee a revised content document based on this discussion. Innovative indicated the first draft of the script would be available the week of August 11th. Those present at the meeting agreed to preview the script prior to the next Committee meeting. Judge Yelton also wished to include Judge Hughes, chair of the Orientation Sub-Committee, in this process. Once the draft script is provided to Michelle, she will forward it to these members of the Committee and if necessary, schedule another meeting with Innovative to review the draft. The draft script will then be presented and discussed at the next Committee meeting.

Judge Yelton indicated that the option to localize the video might be on hold depending on the time available after completing the main video and the amount of funding available.

5. Next Meeting. The next meeting is scheduled for Friday, August 22, 2003 at 10:00 a.m. at the Judicial Center.

Respectfully Submitted,

Michelle C. Goodman